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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,461	03/31/2006	Jan Holm	P20681-US1/080576	9008
27045	7590	03/02/2009		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER NGUYEN, TU X	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 03/02/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,461

Applicant(s)

HOLM, JAN

Examiner

TU X. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/18/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Amendment

Applicant's arguments with respect to claims 1 and 9-12, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-2 and 6-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Harris et al. (US Pub. 20060223568).

Regarding claim 1, Harris et al. disclose a method of operating a push-to-talk service over a mobile wireless communication network (par.026), where a user of a mobile wireless terminal may select an automatic or manual answer mode for incoming session invitations for at least some other users, the method comprising the steps of:

including in the push-to-talk session invitation sent from a calling party to a called party, a manual answer mode request requesting said called party to answer an incoming session in said manual answer mode (abstract, fig.5 element 502);

upon receipt of the session invitation at a push-to-talk server serving the called party (fig.1, elements 106, 110, 114), forwarding the session invitation including the manual answer mode request to the called party regardless of any auto-answer mode setting for the called party (abstract, fig.5 element 502); and

receiving the session invitation at the called party, and generating an alert at the called party's terminal (par.017).

Regarding claims 2 and 13-14, Harris et al. disclose the signaling protocol used to establish and control push-to-talk sessions is the Session Initiation Protocol (par.0014), and the invitation that contains the manual answer mode request is one of the Session Initiation Protocol INVITE (fig.5, element 502) or REFER messages.

Regarding claim 6, Harris et al. disclose receiving a user prompt at the calling party to request manual answer mode, and as a result including the request in the invitation at the calling party (fig.5, element 504).

Regarding claim 7, Harris et al. disclose said request at the calling party automatically (par.024).

Regarding claim 8, Harris et al. disclose said push-to-talk service is a push-to-talk over cellular service (par.026).

Regarding claim 9, Harris et al. disclose a method of operating a push-to-talk enabled mobile wireless terminal, the method comprising the step of including a manual answer mode request in an invitation sent by the terminal to a peer terminal wherein said manual answer mode request instructs said peer terminal to answer an incoming session in said ,requested

manual answer mode even if said peer terminal is in an automatic answer mode (abstract, par.015).

Regarding claim 10, Harris et al. disclose a method of operating a push-to-talk server within a mobile wireless communication network (par.026), the method comprising the steps of:

receiving a push-to-talk invitation from a calling client terminal, the invitation including a manual answer mode request requesting a called party to answer in said manual answer mode (par.015, fig. 5, element 502).

forwarding an incoming session request including the manual answer mode request to a specified called client terminal, and awaiting receipt of an answer message from the called client terminal in response to said called client terminal being alerted of said incoming session request before proceeding with session establishment (fig.5 elements 506, 512).

Regarding claim 11, Harris et al. disclose a mobile wireless terminal (fig.2) associated with a mobile wireless communication network (fig.1), comprising: a processor (fig.2, element 204) and memory (fig.2, element 208) configured to facilitate participation of the terminal in a push-to-talk session facilitated by said mobile wireless communication network, and a user interface for allowing a user to interact with the processor and memory, the processor being arranged to receive a user input from the user interface initiating a push-to-talk session, to generate a push-to-talk invitation for sending to a called terminal and to include in the invitation a manual answer mode request requesting said called terminal to answer said invitation in a manual answer mode even if said called terminal is in an automatic answer mode, and to send the invitation to the called terminal (abstract, par.015).

Regarding claim 12, Harris et al. disclose a push-to-talk server for use in a mobile wireless communication network to provide a push-to-talk service to wireless mobile terminals, the server comprising: an input for receiving a push-to-talk invitation from a first wireless mobile terminal destined for a second wireless mobile terminal, where the invitation may include a manual answer mode request requesting said second wireless mobile terminal to answer said invitation in a manual answer mode (abstract, par.026); an output for forwarding a received push-to-talk invitation to said second, destination wireless mobile terminal; and a processor programmed (par.033) to determine whether or not a said received invitation includes said manual answer mode request and, if so and if an automatic answer mode has been set for the second wireless mobile terminal, overriding the automatic mode setting and forwarding the invitation to the second wireless terminal including the manual answer mode request via said output (fig.3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Pub. 20060223568) in view of Black (US Pub. 2004/0057449).

Regarding claims 3-5 and 15, Harris et al. fail to disclose the push-to-talk session invitation is forwarded by said push-to-talk server to the called party only following an authorisation procedure carried out by the server.

Black discloses the push-to-talk session invitation is forwarded by said push-to-talk server to the called party only following an authorisation procedure carried out by the server (par.028, 081). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Harris et al. with the above teaching of Black in order to provide authentication and guard against eavesdropping.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Primary Examiner, Art Unit 2618

2/26/09